

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

NATIONAL UNION FIRE INSURANCE)	
COMPANY OF PITTSBURGH, PA, a)	
Pennsylvania corporation,)	
)	
Plaintiff -Counterdefendant,)	Case Number: 1:08-cv-2187
v.)	
)	Judge David H. Coar
DISCOVER FINANCIAL SERVICES,)	
a Delaware corporation; DISCOVER)	Magistrate Judge Sidney I. Schenkier
BANK, a Delaware chartered bank;)	
DFS SERVICES LLC, a Delaware limited liability)	
company; and DISCOVER PRODUCTS, INC.,)	
a Utah corporation,)	
)	
Defendants-Counterclaimants.)	

AMENDED PROPOSED SCHEDULING ORDER

1. DISCOVERY

The following time limits and deadlines shall be applicable:

- A. Disclosures required by Rule 26(a)(1) were made on July 17, 2008.
- B. Any amendments to pleadings or actions to join other parties shall be filed on or before August 15, 2008.
- C. The cut-off of fact discovery is July 31, 2009.
- D. Plaintiff shall disclose expert testimony pursuant to Rule 26(a)(2) on or before September 1, 2009.

Defendants shall disclose expert testimony pursuant to Rule 26(a)(2) on or before October 1, 2009.

- E. Defendant may depose Plaintiff's expert at anytime prior to October 1, 2009.
- Plaintiff may depose Defendants' expert at anytime prior to October 31, 2009.
- F. Defendants shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(c) at any time prior to October 22, 2009.

Plaintiff shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(c) at any time prior to November 23, 2009.

G. Plaintiff and Defendants may depose one another's respective rebuttal expert at anytime prior to December 14, 2009.

2. MOTIONS

The parties intend to file cross-motions for summary judgment concerning the duty to defend on or before September 8, 2008, with cross-responses to be filed on or before October 8, 2008, and cross-replies to be filed on or before October 29, 2008.

The deadline for filing any dispositive motions addressing issues other than the duty to defend shall be August 31, 2009.

3. FINAL TRIAL PRETRIAL ORDER AND CONFERENCE

The final pretrial order shall be filed on or before December 28, 2009.

The final pretrial conference will be held on ____ at _____. (TO BE SET BY COURT AT RULE 16 CONFERENCE)

4. TRIAL

Trial is set in this matter on ____ at 10:00 a.m. (TRIAL DATE WILL BE SET BY COURT AT THE RULE 16 CONFERENCE)

5. STATUS HEARINGS

A further status hearing/preliminary pretrial conference should be held on _____.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

By: s/Daniel I. Graham, Jr.
One of Its Attorneys

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DISCOVER FINANCIAL SERVICES,
DISCOVER BANK, DFS SERVICES LLC, and
DISCOVER PRODUCTS, INC.

By: s/Giel Stein
One of Their Attorneys

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ATTESTATION

I hereby attest that I have signed both this Amended Proposed Scheduling Order and corresponding Amended Report of Parties' Planning Conference (Docket No. 29) on behalf of Mr. Stein, one of the attorneys for Discover Financial Services, Discover Bank, DFS Services LLC, and Discover Products, Inc., with his consent and that this attestation is executed this 25th day of July 2008, at Chicago, Illinois.

By: s/Daniel I. Graham, Jr.
One of Its Attorneys

One of the attorneys for
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

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